

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM
(Continued from 7/28/03)**

SUBJECT: REQUEST FOR (1) FRONT YARD SETBACK FROM 30 FEET TO 20 FEET FOR A PROPOSED HOME; (2) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED HOME; AND (3) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 10 FEET FOR A PROPOSED HOME (DAVID NOROUZI, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY:  Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 08-25-03 **Regular** ☒ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR (1) FRONT YARD SETBACK FROM 30 FEET TO 20 FEET FOR A PROPOSED HOME; (2) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED HOME; AND (3) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 10 FEET FOR A PROPOSED HOME (DAVID NOROUZI, APPLICANT); OR
2. **DENY** THE REQUEST FOR (1) FRONT YARD SETBACK FROM 30 FEET TO 20 FEET FOR A PROPOSED HOME; (2) SIDE YARD SETBACK VARIANCE FROM 7.5 FEET TO 5 FEET FOR A PROPOSED HOME; AND (3) SIDE STREET SETBACK VARIANCE FROM 25 FEET TO 10 FEET FOR A PROPOSED HOME (DAVID NOROUZI, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

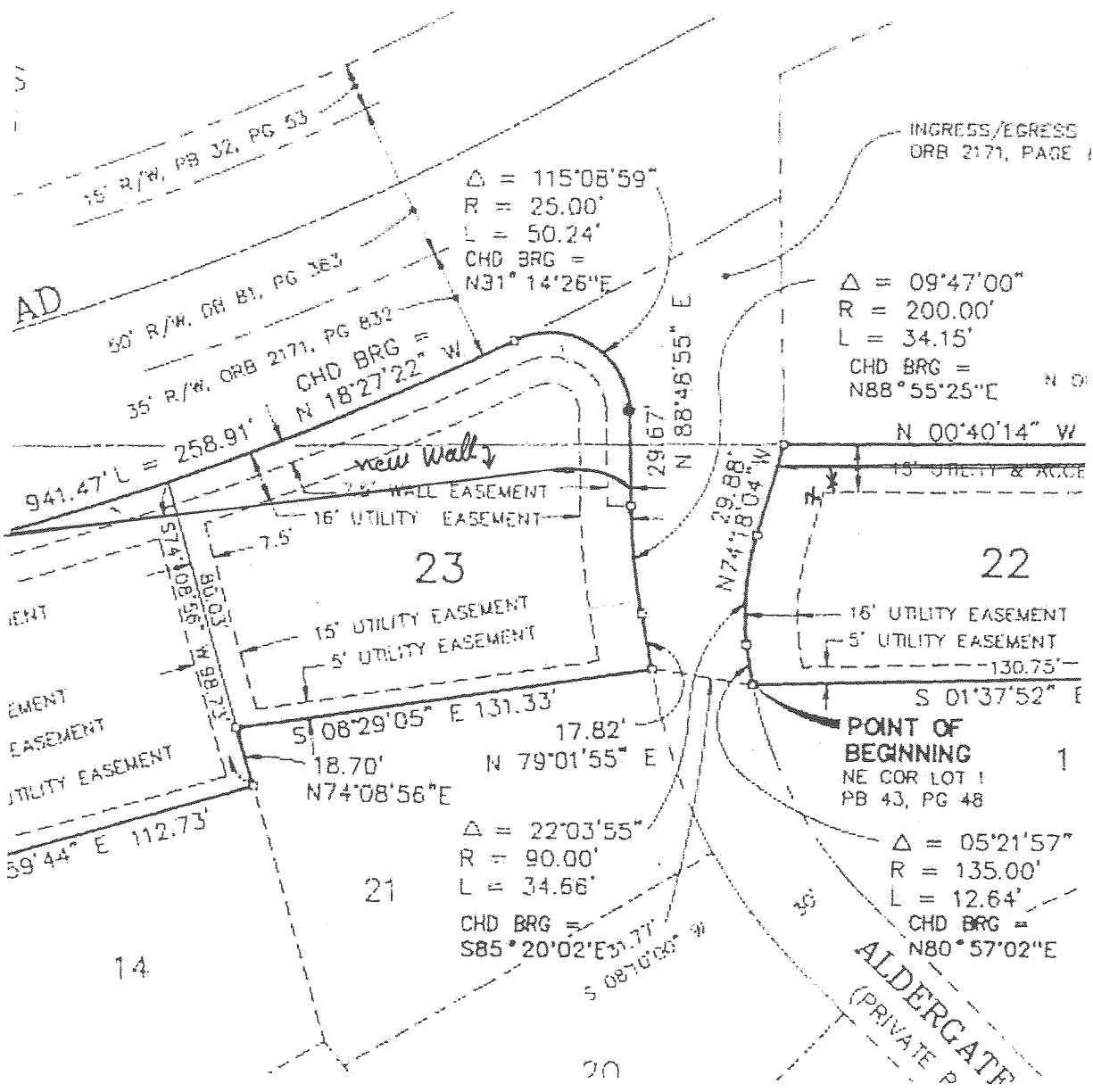
(District 1 – Commissioner Maloy)

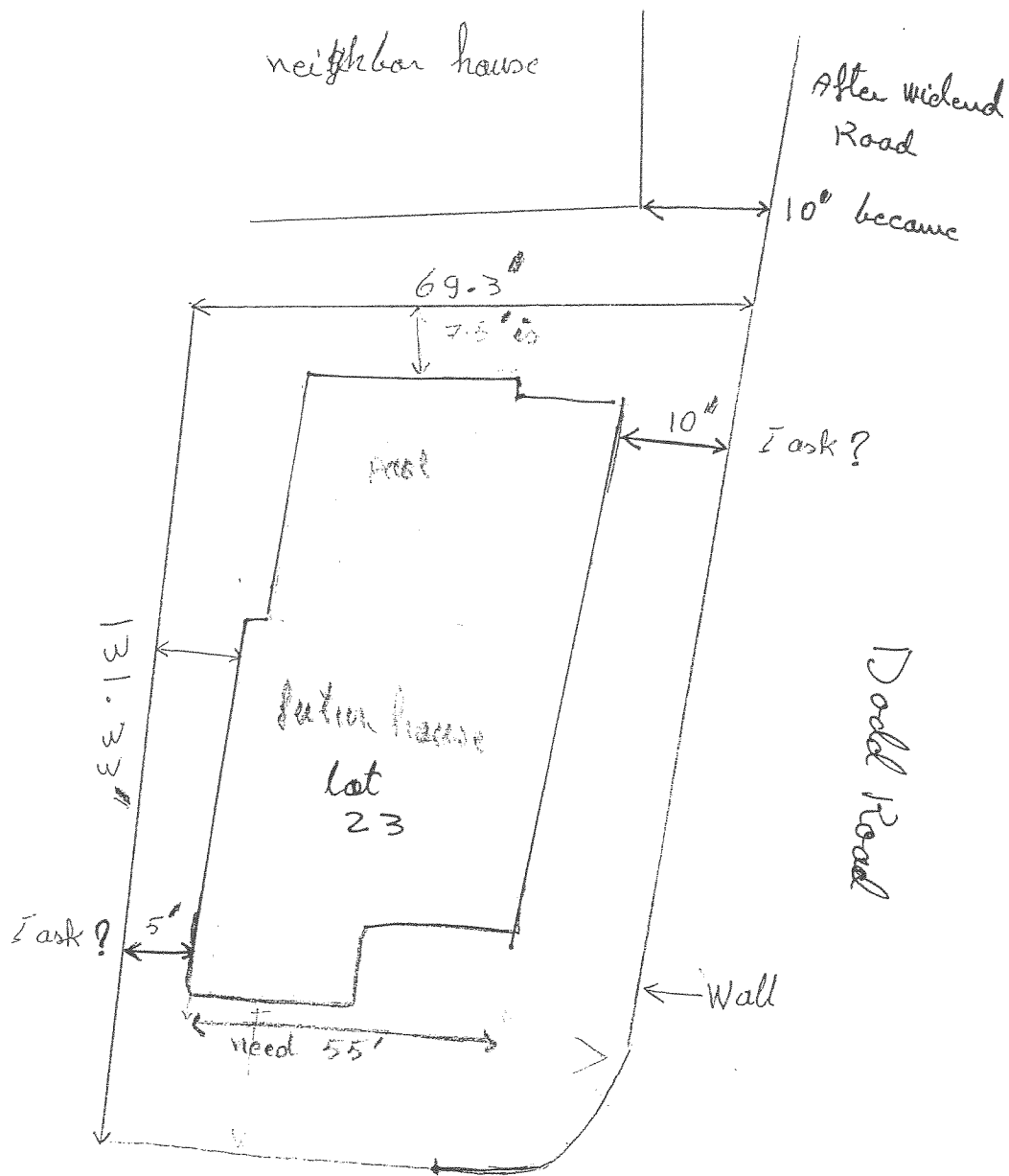
(Kathy Fall, Senior Planner)

GENERAL INFORMATION	APPLICANT: LOCATION: ZONING:	DAVID NOROUZI 3764 ALDERGATE PLACE PUD (HOWELL CREEK PARK)
BACKGROUND/ REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT A HOME ON A PARCEL, LOCATED ON THE NORTHWEST CORNER OF DODD ROAD AND ALDERGATE PLACE. • THROUGH EMINENT DOMAIN PROCEEDINGS, SEMINOLE COUNTY ACQUIRED APPROXIMATELY ONE THIRD (1/3) OF THE SUBJECT PROPERTY IN 1997 TO EXPAND THE DODD ROAD RIGHT-OF-WAY. • AT THE TIME OF RIGHT-OF-WAY ACQUISITION, THE 	

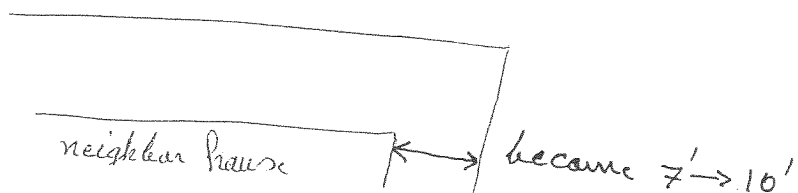
	<p>PRIOR OWNER, HOWELL CREEK PARK INC., WAS COMPENSATED FAIR MARKET VALUE (\$46,100) FOR THE ENTIRE PROPERTY, SINCE THE REMAINDER OF THE LOT WAS DEEMED UNBUILDABLE UPON APPRAISAL; THE APPLICANT PURCHASED THE TAX DEED FOR THE REMAINDER OF THE LOT IN MAY 2003.</p>
STAFF FINDINGS	<ul style="list-style-type: none"> • THE SUBJECT PROPERTY WAS PLATTED IN ACCORDANCE WITH THE ZONING REGULATIONS APPLICABLE IN THE HOWELL CREEK PARK PUD. THE SUBSEQUENT LOT SIZE REDUCTION FOLLOWING RIGHT-OF-WAY ACQUISITION RENDERED THE SUBJECT PROPERTY UNBUILDABLE WITH RESPECT TO THE PUD STANDARDS. • THIS FACTOR WOULD ORDINARILY CONSTITUTE A HARDSHIP AND DEPRIVE THE APPLICANT OF REASONABLE USE, IF NOT FOR THE FACT THAT FAIR MARKET VALUE WAS PROVIDED TO THE PRIOR OWNER AS JUST COMPENSATION FOR LOSS OF THE SAME. • AS STATED IN THE ATTACHED REPORT TITLED, "VALUE OF THE REMAINDER AS SERVED", THE PROPERTY (FOLLOWING RIGHT-OF-WAY ACQUISITION) WAS APPRAISED AT A NOMINAL VALUE (\$500) AND DEEMED MOST APPROPRIATE AS COMMON AREA FOR THE SUBDIVISION. • THE TRAFFIC ENGINEERING DIVISION HAS COMPLETED ITS REVIEW OF THE SUBJECT PROPERTY FOR VEHICULAR SAFETY. IN LIGHT OF THE PROPOSED WIDENING OF DODD ROAD, TRAFFIC ENGINEERING ADVISES AGAINST THE APPROVAL OF MOTOR VEHICLE ACCESS FROM ALDERGATE PLACE, DUE TO THE POTENTIAL FOR SAFETY HAZARDS. • STAFF RECOGNIZES THE CIRCUMSTANCES OUTLINED ABOVE RESULTED IN AN UNBUILDABLE LOT WHICH WOULD ORDINARILY CONSTITUTE A HARDSHIP IF NOT FOR THE PRIOR PAYMENT OF JUST COMPENSATION (FAIR MARKET VALUE) TO THE ORIGINAL OWNER. THE PROPERTY'S CURRENT STATUS AS AN UNBUILDABLE LOT IS A SELF-CREATED HARDSHIP, RESULTING FROM THE APPLICANT'S DECISION TO PURCHASE PROPERTY DEEMED AS UNBUILDABLE.
STAFF RECOMMENDATION	<p>BASED ON INFORMATION FORTHCOMING SINCE THIS ITEM WAS FIRST CONSIDERED BY THE BOARD OF ADJUSTMENT AT ITS JULY 28, 2003 REGULAR MEETING, STAFF <u>RESCINDS</u> ITS PRIOR RECOMMENDATION FOR APPROVAL OF THE REQUESTED VARIANCES. STAFF HEREBY RECOMMENDS THE BOARD OF ADJUSTMENT CONSIDER THE FINDINGS STATED IN THIS REPORT AND <u>DENY</u> THE VARIANCES REQUESTED. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p>

	<ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING LOT AND PROPOSED SINGLE-FAMILY HOME, AS SHOWN ON THE ATTACHED SITE PLAN.• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.
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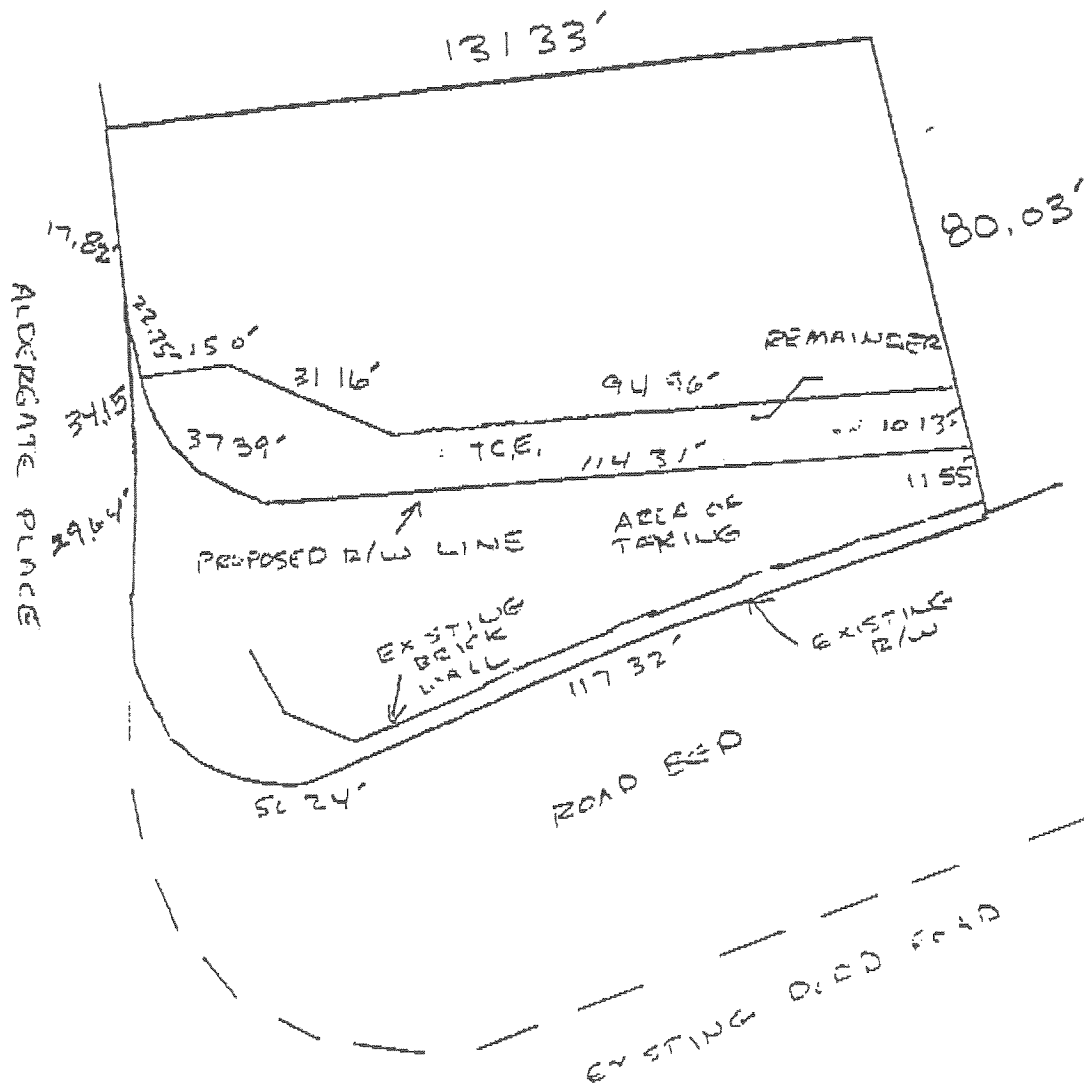
Aldergate pl



BEFORE ACQUISITION = 13,239 SF
 AFTER ACQUISITION = 8,739 SF
 AREA OF TAKING = 4,500 SF
 TCE = 1,654 SF

NOT A
SURVEY

N →
NOT TO
SCALE



PARCEL 159/759

COMMISSION DISTRICT #: 1

GUI
PROJ. #

ZONED: PUD

SEC: 23,24

TWP: 21

RNG: 30

DEVELOPMENT:		Howell Creek Park Phase 1A				DEVELOPER:		Keewin Real Estate Co.						
LOCATION:		W side of Dodd, S of Red Bug Lake Road												
FILE#:				BA:				SP:				BCC:	10-09-90	
P&Z:														
PB	44	PG	1,2	Lot		Blk		Parcel		DBA		Comm Dist	1	
DEVEL. ORDER #:		88-1872				TAX PAR. I.D. #:								
SIDEWALKS: 4' wide on both sides of the interior streets						SETBACK REQUIREMENTS								
						FY:	25'	SIDE ST.:		SY:	7.5'	RY:	25'	
ROAD TYPE: (CURB & GUTTER OR SWALE)						MAIN STRUCTURE OTHER: *Garage entry adjacent to R/W shall be a minimum setback of 30'. Minimum House size: 1,700 sq. ft.								
COMMENTS OTHER:						ACCESSORY STRUCTURE SETBACKS:								
						SY:	7.5'	RY:	5'					
						ACCESSORY STRUCTURE OTHER:								

IMPACT FEES	
SCREEN:	
TRAFFIC ZONE:	112
LAND USE:	1
1. ROAD-CO. WIDE	
2. ROAD-COLL.	
3. LIBRARY	
4. FIRE	
5. PARK	
6. SCHOOL	
7. LAW	
8. DRAINAGE	
TOTAL	
REMARKS: curb and gutter	

COMMITMENT CARD

Instructions: print two-sided on card stock and cut along the left and bottom border.



VARIANCE
APPLICATION TO THE SEMINOLE COUNTY
BOARD OF ADJUSTMENT

APPLICANT: DAVID NOROUZI
COMPLETE MAILING ADDRESS: 400 17950 RCA Ave Altamonte Springs FL 32714
PHONE: WORK: 407222 0362 HOME: 407880 6503 FAX: _____
CELL PHONE: 407222 0362 Email: norouzid@yahoo.com
PROPERTY OWNER OF RECORD: DAVID NOROUZI
SITE OF REQUEST: 3764 Aldergate Pl Casselberry FL 32792
STATEMENT OF HARDSHIP: Widened Dodd Road and took part of property.
REQUEST: side street setback from 20⁵ ft. to 10 ft. & other side setback from 7.5 ft. to .5 ft.
LEGAL DESCRIPTION OF PROPERTY: and garage setback from 30 ft to 20 ft
Lot 23 (less RD) Howell Creek Park PH 1A PB 44 PGS 1 & 2
TAX PARCEL ID NO. 23-21-30-521-0000-0230
KNOWN CODE ENFORCEMENT VIOLATIONS ON PROPERTY: N/A

EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING:

Applicant must be the property owner. Someone other than the property owner may act on the property owner's behalf at the public hearing; however, a letter of authorization from the property owner must be submitted to the County. One 8.5" X 14" site plan and application fee.

SIGNATURE OF APPLICANT: _____ DATE: _____

FOR OFFICE USE ONLY	
FEE: <u>150⁰⁰</u> CK# <u>623</u> RECEIPT# <u>162229</u> DATE <u>6-12-03</u> ZONING DISTRICT: <u>PUD</u>	
FURTHER DESCRIBED AS: _____	
LOT SIZE: _____	
PROCESSING:	
A. LEGAL AD TO NEWSPAPER _____ / _____	B. NOTICE TO PROPERTY OWNERS _____
C. PLACARDS / NOTICE _____ / _____	D. PROJECT NO. <u>03 300000 89</u>
E. BOARD ACTION / DATE _____ / _____	F. LETTER TO APPLICANT _____
G. PUD SETBACKS _____	

INITIAL CONFERENCE N/A

BCC DISTRICT 1

PLANNER _____

FILE NO. 312003-085

MEETING DATE JULY 28, 2003

08/13/2003 10:48:25 PM




Steven Douglas

08/13/2003 08:36 AM

To: Kathy Fall/Seminole@Seminole

cc: Melonie Barrington/Seminole@Seminole, Marcia

Haeffner/Seminole@Seminole

Subject: Re: 3764 Aldergate 

Kathy,

As requested, Traffic Engineering has completed a review of the proposed development for lot 23 (Less Rd) Howell Creek Park Ph 1A PB 44 PGS 1 & 2, parcel Id 23-21-30-521-0000-0230 as it relates to vehicular safety. Per Seminole County Land Development Code Chapter 35, Section 35.64 (b), (2) and (4), and vehicular stopping sight distance as stated in AASHTO's green book, A Policy on Geometric Design of Highways and Streets, we advise against the approval of motor vehicle access along the front property line of said lot fronting Aldergate Place West. If a turn around area or horseshoe type driveway were included in the proposed building plans, Traffic Engineering would re-review this lot for consideration of approval or motor vehicle access however, after reviewing plans for the proposed widening on Dodd Road it appears that this lot would not have sufficient room for such an access.

Have a great day,

Steve Douglas, E.I. Engineer

Seminole County Traffic Engineering

140 Bush Loop, Sanford FL 32773

email: sdouglas@co.seminole.fl.us

Phone: (407) 665-5690

Fax: (407) 665-5623

Parcel No.: 159
Work Order: 14
Road: Dodd Road

County: Seminole
Appraiser: Ron L. Nation
Page: 12

VALUE OF THE REMAINDER AS SEVERED

DESCRIPTION OF THE REMAINDER

The remainder parcel is an irregular shaped parcel containing 8,739 square feet. It will have similar physical characteristics as the parent tract, with the exception of size. Due to the large area of acquisition, the remainder will not be large enough to develop to its present use as a single-family residential dwelling, as it will not have an adequate size to construct a single-family dwelling. After the acquisition, the site will be reduced from 13,239 square feet to 8,739 square feet (see Property Sketch of the subject in the Addenda for a view of the taking and the remainder parcel).

HIGHEST AND BEST USE OF THE REMAINDER

The remainder will differ from the parent tract in that the site will be significantly smaller in size. The subject property will not be legally permissible or physically suitable for development to its highest and best use as an improved residential dwelling. Side yard setback requirements and minimum lot width for developable PUD sites are not able to be met. Therefore, the only use of this area is as a common area tract for use by the owners of the subdivision, and/or to serve as a landscaping buffer for the development.

VALUE OF THE REMAINDER "AS SEVERED"

The remainder parcel has limited utility as a single-family residential lot after the 4,500 square feet is required for the road project. The remainder could be used as part of the entrance feature for the subdivision, but it is unreasonable to assume that the homeowners association would purchase the remainder; therefore, it is my opinion that the remainder has a nominal value of \$500.00

Handwritten:
159
7353



David Norouzi
3764 Aldergate Place

